

*M. W. Watson*  
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INTERIOR DEPARTMENT  
APPROPRIATION BILL FOR 1946

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CLERK

HEARINGS

BEFORE THE

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES

SEVENTY-NINTH CONGRESS

FIRST SESSION

ON THE

INTERIOR DEPARTMENT  
APPROPRIATION BILL FOR 1946

PART 2

BUREAU OF INDIAN AFFAIRS

Printed for the use of the Committee on Appropriations

JAMES F. SCANLON, *Administrative Assistant, Editor*



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## INTERIOR DEPARTMENT APPROPRIATION BILL, 1946

TUESDAY, MARCH 13, 1945.

## BUREAU OF INDIAN AFFAIRS

STATEMENTS OF WILLIAM A. BROPHY, COMMISSIONER; WILLIAM ZIMMERMAN, JR., ASSISTANT COMMISSIONER; JOSEPH C. McCASKILL, ASSISTANT COMMISSIONER; PAUL L. FICKINGER, CHIEF, ADMINISTRATIVE BRANCH, AND BUDGET OFFICER; WILLARD W. BEATTY, DIRECTOR OF EDUCATION; H. DE LIEN, ASSOCIATE DIRECTOR OF HEALTH; H. M. CRITCHFIELD, ASSOCIATE CHIEF, RESOURCES BRANCH, AND DIRECTOR OF LANDS; E. C. FORTIER, DIRECTOR OF IRRIGATION; LEROY D. ARNOLD, DIRECTOR OF FORESTRY; AND A. C. COOLEY, DIRECTOR OF EXTENSION, BUREAU OF INDIAN AFFAIRS

Mr. JOHNSON of Oklahoma. The committee will come to order. I note that the Under Secretary, Mr. Abe Fortas, is here. Mr. Fortas, do you care to make a statement or introduce the new Commissioner of Indian Affairs to the Committee?

## INTRODUCTION OF MR. WILLIAM A. BROPHY, APPOINTEE AS COMMISSIONER OF INDIAN AFFAIRS

Mr. FORTAS. Mr. Chairman and gentlemen of the committee, I have just asked for the privilege and the pleasure of introducing to the committee the man who has recently been appointed and confirmed by the Senate as Commissioner of Indian Affairs to succeed Mr. John Collier. That man is Mr. William A. Brophy. Mr. Brophy has not yet taken the oath of office. We hope that he will within the next day or two, but he has not started his work as Commissioner of Indian Affairs.

I first met Mr. Brophy about a year and a half or 2 years ago—I think I first met him, as a matter of fact, in New Mexico, and then about a year and a half or 2 years ago we asked him to come over to Washington to help us out in a very difficult situation we had in Puerto Rico at about the time of the food crisis down there.

Mr. Brophy left a very profitable law practice in Albuquerque and came up to help us as a war service, and I have had the opportunity and the pleasure of working very closely with him, and I have found him to be a man of great ability and integrity.

He seems to have made a great many friends since he has been here in Washington, both in the executive agencies and in the House and

N. Mex. I think most of the tribes were represented there. It was a most interesting meeting and I would say that the Indians' representatives there of the different tribes seemed to like Mr. Brophy, and I believe we can expect that Mr. Brophy will carry on as Commissioner of Indian Affairs in the most commendable manner. I am going to believe that and I am sure that is what the Indians do. I am sure he is interested in Indian affairs and in the development of the best things that can be done for the Indians with the limited amount of money.

So I am pleased to know that Mr. Brophy has been appointed as Commissioner of Indian Affairs. I can assure you, as one member of the committee, that as long as I believe as I do now I shall cooperate with you to the best of my ability. There may be times when I will disagree with you, just as other members of the committee will; but I am sure you will find this committee is always fair. We try to get the facts and we base our findings on the facts.

So I think, Mr. Brophy, you come before this committee with clean hands and we are going to do everything we can. And I know this committee will do everything they can to do the right and the just thing to the first Americans of our great country.

Mr. BROPHY. Thank you, Mr. Jensen. And may I say I hope that my actions and conduct will warrant the confidence you have just expressed.

Mr. JOHNSON of Oklahoma. If there are no further questions or observations, let me add that of course, no one's appointment as Commissioner of Indian Affairs would meet with the unanimous approval of everyone. There have been some protests that have come to this committee about your appointment, Mr. Brophy. There would be protests come here about the appointment of anyone. Had I been making the appointment I no doubt would have selected an Oklahoma Indian. But let me say to you that friends in New Mexico who know you best have been high in their praise of you. In the House of Representatives, Mr. Anderson of New Mexico, who is a valuable member of this committee, has spoken in the very highest terms of you, Mr. Commissioner, and this committee has confidence in him and believes he would not knowingly recommend anyone unless he knew what he was talking about.

So we accept you in good faith. We are going to cooperate with you whenever and wherever we feel that it is for the best interests of the Indians, the taxpayers and the country. We are going to cut your appropriations and cut them far deeper than you now anticipate, or that you may feel they ought to be cut, and we are expecting you to cooperate with us. It may be you will not like all the actions of this committee, but you must remember that that is our prerogative. This committee will exercise its prerogative without fear or favor. Our actions at all times will be based on the information we have and impersonal at all times. If you do not get all the appropriation you expect at the hands of this committee, either now or in the future, we shall at least understand one another. Again we wish you well.

Mr. BROPHY. Thank you, Mr. Chairman. And I, on my part, will cooperate to the fullest extent of my ability.

Mr. JOHNSON of Oklahoma. Thank you. We thought you would do that and we feel you will.

## GENERAL STATEMENT OF BUDGET OFFICER FICKINGER

Mr. JOHNSON of Oklahoma. The next witness will be Mr. Fickinger. What is your official position now? You have been promoted so fast it is hard for me to keep up with you. Are you Assistant Commissioner?

Mr. FICKINGER. I am chief administrative officer for the Bureau.

Mr. JOHNSON of Oklahoma. Do you desire to make a brief statement to the committee, Mr. Fickinger?

Mr. FICKINGER. In presenting this year our estimate of appropriations required for the carrying on of various activities of the Indian Service during the fiscal year 1946, we have attempted to incorporate the suggestions offered by the committee during our hearings on the 1945 bill and the recommendations made by the committee in its report on the bill. We recognize that there are still many improvements that can be made in our presentation and are appreciative of the interest of the committee and the suggestions offered. We particularly wish to call attention to the following basic changes which appear in the current presentation.

## CONSOLIDATION OF APPROPRIATION ITEMS

The committee suggested last year, during its review of the consolidation of the "Health" item, that consideration be given to the possibility of effecting other consolidations and called attention to the several appropriations for forestry activities. It will be noted that we present this year a consolidation of the items of "Administration of Indian forests," "Expenses, sale of timber," and "Fire protection of forests, forest industries, and strategic facilities (national defense)" into one item "Administration of Indian forests and range resources." We consider this to be an important and desirable consolidation. It will not only clarify the appropriation for these activities but will also simplify our administrative handling of the appropriation.

We also present a consolidation of various tribal appropriations on a functional basis. In the past there have been many individual tribal authorizations each of which provided for several functions. Our estimates this year for these functions are consolidated into two appropriations as follows:

Purchase and lease of lands (tribal funds).

Administration of Indian tribal affairs (tribal funds).

Our estimate continues separate items for those tribes where the expenditures from funds of any one tribe exceed \$50,000 annually. Included in this group are the appropriations for the Osage Nation, Klamath, Menominee, and the Makah Tribes. Also continued as specific items are appropriations for activities which, by their nature, were not susceptible to consolidation at this time. We believe that this arrangement will prove to be a change welcomed by the committee and an administrative simplification to the Bureau.

Under the item "Purchase and lease of lands (tribal)" we have provided specific limitations by tribes within the item itself. A further simplification, of course, could be effected by the elimination of these limitations and the Bureau would have no objection to the elimination of the limitations if so desired by the committee.

spent on the Navajo, because of serious flood damage; \$3,354 of it was spent on the Hopi for temporary replacement of school facilities that were destroyed by fire.

Mr. JOHNSON of Oklahoma. You estimate that \$35,000 will be enough for the coming year?

Mr. FICKINGER. It is purely an estimate, but probably adequate; yes, sir.

### INDIAN LANDS

#### REDEMPTION OF RESTRICTED INDIAN PROPERTY

Mr. JOHNSON of Oklahoma. No further questions? If not, the next item is on page 13, "Indian lands." This is from the unexpended balance of an appropriation of \$25,000 for the payment of taxes, and so forth. When will this work be completed?

Mr. FICKINGER. We have an unobligated balance at the present time, under this item, of \$5,000.

Mr. JOHNSON of Oklahoma. As I recall, we have reappropriated unexpended balances for several years?

Mr. FICKINGER. That is correct. It is very difficult for us to know what cases are going to come up from year to year. We are merely asking for a continuation of the authorization for this item.

#### PURCHASE OF IMPROVEMENTS ON LAND ON THE HAVASUPAI INDIAN RESERVATION

Mr. JOHNSON of Oklahoma. If no further questions, on page 14 we find an item covering purchase of improvements on lands in Indian reservations. Will the acquisition of this property be completed in the fiscal year 1946?

Mr. FICKINGER. Mr. Chairman, this is an item for the purchase of land on the Havasupai Reservation. We are hoping to be able to advise the committee that there will be a saving in this item.

Mr. JOHNSON of Oklahoma. That would be good news.

Mr. FICKINGER. We do not know as yet whether the purchase will actually be completed during this fiscal year or not, because the deed must still be passed upon by the Department of Justice; but we are asking that the item be continued, just to be on the safe side.

#### PROPOSAL TO CONSOLIDATE LAND PURCHASE ITEMS

Mr. JOHNSON of Oklahoma. The next item is on page 18. You are proposing to consolidate your land purchase items in one paragraph. Why do you think that is desirable?

Mr. FICKINGER. Mr. Chairman, during the hearings last year we presented a consolidation of the health appropriation and this committee suggested then that there might be some other items we could consolidate in order to simplify our budget. We have made an attempt to consolidate a number of items throughout the bill.

Mr. JOHNSON of Oklahoma. Will that effect a saving, or will you want more money?

Mr. FICKINGER. Mr. Chairman, we feel that it will certainly expedite accounting procedure in connection with our work, and such con-

solidations should not necessitate increased appropriations for the purpose of carrying on these functions; but I cannot say, either, that it is going to make any appreciable change to the point that we could recommend any decreased expenditures.

Mr. JOHNSON of Oklahoma. I note here a long list of items. Rather than to ask you about each one specifically, let me ask you one question. Have the Indians approved all these items?

Mr. FICKINGER. These have been requested by the Indians themselves. In other words, the Indians themselves are interested in the problem of consolidating their landholdings, buying up fractionated tracts, and using their own money for that purpose; and that is the intent of this particular item.

Mr. JOHNSON of Oklahoma. I see you have slipped in one little proviso at the bottom, that 10 percent of the foregoing amount shall be available interchangeably. Why do you make that provision?

Mr. FICKINGER. In presenting this item to the Bureau of the Budget we presented it as a consolidated estimate, without specifically earmarking these individual items. We set it up as a separate schedule to be followed, but not specifically earmarked as such. The Bureau of the Budget insisted upon setting out each such purchase, and therefore was agreeable to providing a 10-percent interchange, because it is very difficult to know whether or not a tract of land may cost us an even \$20,000 or, say, \$20,100. If we did not have that interchange language we would be stymied in making the purchase.

Mr. JOHNSON of Oklahoma. Let me say before we pass from this matter that I have felt for years that the proviso allowing you 10 percent interchange, is prone to invite you to juggle your funds; 5 percent would undoubtedly be adequate for your real needs.

### INDUSTRIAL ASSISTANCE AND ADVANCEMENT

#### FORESTRY ITEM—CONSOLIDATION

Now, I see another consolidation in this next item. We have a black-out on page 20, and you are proposing to consolidate it with some other item.

Mr. FICKINGER. That is our forestry item.

Mr. JOHNSON of Oklahoma. What is the advantage of the proposed change? This committee wants to be helpful. If you can show that it would be to the advantage of the service or enhance the efficiency or economy of the Service, this committee will be sympathetic.

Mr. FICKINGER. Mr. Chairman, you will recall that in our hearings last year the committee raised a question as to the number of different forestry items, all of which had certain language included that would permit the use of the money for fire-fighting purposes. We agreed at that time that it was a poor presentation and we agreed with the committee that something should be done. We, therefore, have consolidated the forestry items into this one item which will greatly facilitate the administration of the forestry, grazing, and range work.

Mr. NORRELL. What is the increase in these items? You have consolidated them. What is the additional amount of money that you are asking for? Where do we find the item of \$504,000?

Mr. FICKINGER. On page 34 of the justification, Mr. Norrell, there is a statement showing the composition of this item. Five hundred

Mr. COOLEY. We could probably bring in the premium lists.

Mr. NORRELL. I do not care anything about the lists. I just want to get some idea about the regularity of it and the amount, and so forth.

Mr. FICKINGER. A total of \$1,275 was expended last year for premiums, and the highest premium awarded for a club exhibit was \$50. The highest premium awarded to an individual was \$15, and the lowest was 50 cents.

Mr. ROONEY. I do not believe any provision was made for inserting in the record some of these figures shown on these graphs. I think they are so interesting that I am going to read a few of them into the record.

#### INDIAN INCOME FROM LIVESTOCK

The Indian income from all livestock and livestock products in 1932 was \$1,299,088, while in 1942 it was \$12,808,234, and reached, in 1943, \$13,968,088.

#### FOODS CANNED BY INDIANS

The foods canned and dried by the Indians, considered in number of quarts in 1932, was 354,543, as compared with 4,748,899 in 1942 and 3,568,926 in 1943.

#### BEEF CATTLE

These charts also show that the number of head of beef cattle owned by the Indians in 1932 was 170,794, compared with 344,895 in 1943, while the money income derived from sales of those cattle in 1932 was \$337,914, and in 1942 it was \$5,797,630, and in 1943 it was \$6,318,986.

#### DAIRY CATTLE

In 1932 the number of head of dairy cattle owned by Indians was 11,314, and in 1943 the number owned by them had increased to 50,558.

#### RESTORED POSITIONS

Mr. DWORSHAK. Mr. Cooley, you are asking the committee to restore 43 positions?

Mr. FICKINGER. Thirty-nine positions, Mr. Dworshak. They are: 2 extension agents at \$3,800 each, 1 at \$3,200, 1 at \$2,600, 1 home extension agent at \$2,000, 2 credit agents at \$3,200, 1 credit agent at \$2,600, 21 farm agents at \$2,000, and 10 clerks at \$1,800 each, for a total of 39 positions.

Mr. DWORSHAK. Those were all on the pay roll back in the fiscal year 1943?

Mr. FICKINGER. Yes, sir; however, this represents a restoration of only 39 of the 49 positions that were eliminated.

Mr. DWORSHAK. How many were taken off at that time?

Mr. FICKINGER. Forty-nine were taken off.

Mr. DWORSHAK. Forty-nine?

Mr. FICKINGER. Yes, sir.

Mr. DWORSHAK. Is this essentially a post-war project, or do you think it is justifiable on the basis of wartime requirements?

Mr. COOLEY. It is very much a war program, I would say, because it is food production, and we need this assistance right now in the

field to encourage these Indians and to help them with the solution of their agricultural problems.

Mr. DWORSHAK. They probably need farm laborers more than they do professional advice right now, do they not?

Mr. COOLEY. They need professional advice very badly, and it is not there for them.

Mr. DWORSHAK. Do they not have the same manpower difficulties that most other people have, that the farmers have, particularly?

Mr. COOLEY. They have some of it, but not quite to the same extent.

Mr. DWORSHAK. Most of the labor comes from within their own families?

Mr. COOLEY. That is right. Out of a land area of some 56,000,000 acres, about 62 percent of it is used by Indians, and about 38 percent is leased out, and our program is definitely in the direction of having the Indian land used by the Indians themselves, and that is why we need this additional help, to encourage and assist the Indians in the use of their lands.

#### INDUSTRIAL ASSISTANCE (TRIBAL FUNDS)

Mr. KIRWAN. The next item is on page 30 of the bill and page 89 of the justifications. In connection with that item on page 30 of the bill, for industrial assistance from tribal funds, you are proposing only one new item, \$30,000 for the Colorado River, Ariz., Indians. What is the plan for using this sum?

Mr. FICKINGER. This represents a request by the tribe for the use of their own money in that amount.

Mr. COOLEY. We are starting a new program on the Colorado River, and this money is needed to assist individual Indians to establish themselves on the land.

Mr. KIRWAN. You are requesting it for a good purpose.

Mr. FICKINGER. The Indians themselves are asking for it.

#### REAPPROPRIATION OF UNEXPENDED BALANCES

Mr. KIRWAN. You are also requesting authority to reappropriate unexpended balances. What do you estimate this will amount to?

Mr. COOLEY. I do not believe I got your question.

Mr. KIRWAN. You are requesting authority to reappropriate unexpended balances.

Mr. FICKINGER. It represents a total of \$1,639,628.84 of unexpended balances.

Mr. KIRWAN. Are these appropriations reimbursable?

Mr. FICKINGER. These are their own tribal appropriations.

Mr. KIRWAN. These are their own funds?

Mr. FICKINGER. Yes, sir.

#### REVOLVING FUND FOR LOANS TO INDIANS AND INDIAN CORPORATIONS

#### RECORD ON REPAYMENT OF LOANS

Mr. KIRWAN. What record are they making as to repayment?

Mr. COOLEY. They are making an exceptionally good record the last 10 years. As we will discuss this credit work a little later, we will

bring out that the delinquencies amount to less than 3 percent, making one of the best records of any loaning agency in the United States.

Mr. KIRWAN. Of any groups or races?

Mr. COOLEY. Yes, sir, that is the way we feel about it.

Mr. KIRWAN. That is the way the banks feel about it, and everybody else.

Mr. NORRELL. I believe you have two items here, do you not? One is from the Treasury, and one is part of those tribal funds?

Mr. FICKINGER. Yes, sir, there are two items. The one on page 30 is all tribal, and the one on page 32 is gratuity.

Mr. NORRELL. Passing over to page 30, Tribal funds, I assume that is in keeping with the wishes of the Indians and it is their own money you are handling?

Mr. FICKINGER. That is correct.

Mr. NORRELL. Incidentally, for the record, we might show that the total tribal authorizations amount to \$3,494,106.91, and the total repayments as of June 30, 1944, amount to \$2,570,352.55, the difference being because of obligations, some good and some bad.

Now, the public fund, that is the amount coming out of the Treasury, there seems to have been a total of \$7,723,200 in appropriations, and loans or expenditures of \$7,022,571.94, and cancelations under the act of July 1, 1932, amounting to \$353,555.92. That is bad debts charged off, I assume, under the act of July 1, 1932; is that right?

Mr. COOLEY. Yes.

Mr. NORRELL. Now, you have total credits, that is, cash commitments, I guess, on these loans of \$4,625,183.83; is that right?

Mr. CRITCHFIELD. Yes, sir.

Mr. NORRELL. Leaving a balance owing at this time, all told, of \$2,397,388.11.

Can you give the committee an idea of about what portion of that amount remaining unpaid and uncanceled would be bad, and what portion you think would be good?

Mr. CRITCHFIELD. As to this old Federal appropriation, starting back in 1911, those loans were made in small amounts without supervision to a great extent, and without planning, and the record is poor.

We estimate that nearly \$1,000,000 of that remaining balance of \$2,397,000 will never be collected.

Mr. NORRELL. In other words, approximately one-half of it?

Mr. CRITCHFIELD. Yes, sir; nearly \$1,000,000 will not be collected.

This shows the difference between a sound credit program and one that is unsound. The old reimbursable loans were in small amounts, many from \$25 to \$500. A man would get a team of horses or maybe a wagon and harness.

Under the revolving credit program the farm agent or other employee at the agency with the tribal credit committee helps the borrower plan his crops and his livestock so that he can be placed on his feet and be made self-supporting.

The difference in the results of the two are shown by the fact that here you have this old delinquency, some of which has been carried since 1911, and under the revolving-credit program you have a delinquency of less than 3 percent.

#### LOANS SHOULD NOT BE CONSIDERED CHARITY

Mr. NORRELL. I think the record ought to show that the committee expects this money to be paid back. I do not think it ought to be considered as a gift or as charity by any means. Of course, away back yonder, I do not know how it was handled, but certainly I, for one, do not think that the money we are authorizing now should be considered a gift. It ought to be carried under the heading of loans.

Mr. CRITCHFIELD. Under the old system not much seems to have been accomplished. Under the new program of helping the individual plan, where his loan is supervised, the farming and cattle raising is planned, he is getting on his feet. A successful borrower pays his loan and an unsuccessful borrower does not.

Mr. NORRELL. I think, if a man is going to be granted a loan, it ought to be on the basis of repayment, and if it is charity you are giving, then it ought to come under the welfare laws.

Mr. COOLEY. We believe just as you do, Mr. Norrell. We are trying, to the best of our ability, to explain to the Indian that it is a loan, that it is not charity, and that it must be paid back in keeping with the program that has been worked out with him.

#### MONEY PRESENTLY AUTHORIZED

Mr. NORRELL. What is the balance of the cash money that you have presently authorized, and which you can operate on in the future?

Mr. COOLEY. Out of the revolving fund?

Mr. NORRELL. Yes; out of the revolving fund.

Mr. COOLEY. Well, if I may make a statement on that, I think I can clear the whole thing up with this chart.

Here is the chart. We have \$4,273,400 that has been appropriated. The revolving features of the fund have made it possible to advance \$5,533,082.48. We have made commitments for \$7,631,712.48, and we have used \$7,147,166.61, and the amount repaid has been \$2,532,798.23.

Now, the way the money has been used is shown on the second chart. It shows here that practically half of it has been used for livestock loans, 12 percent for machinery, and there are several other items amounting from 4 percent to 10 percent, such as permanent improvements, feed, seed, and so forth.

You will note that the loans made for \$1,000 or more amount to more than half of the money used; loans for \$500 to \$1,000 amount to 35 percent; and under \$500 amount to 15 percent.

The question is often asked of us who is using this money; are the full-blooded Indians getting anything out of this program? You will note that 48 percent of the money has been loaned to full-bloods; to half-bloods, 32 percent; and those less than half-blood, 18 percent.

Then up here it shows the delinquencies for each year; for 1944 there were \$89,000 delinquent, which is 2.84 percent, or less than 3 percent of the money loaned that is delinquent.

Now, on the last chart we have the amount that goes to individual loans, to cooperatives, and corporate enterprises. This year we are



## INSTRUCTION OF NATIVES IN HERDING OF REINDEER

Mr. DWORSHAK. I notice on page 190 the statement that—

This appropriation provides supervision for the reindeer activities in Alaska, and instruction in the management thereof \* \* \*

I presume that is instruction of the natives?

Mr. COOLEY. That is correct.

Mr. DWORSHAK. What did the natives do before the white man invaded Alaska? Were there no reindeer in Alaska?

Mr. COOLEY. No. They were introduced in 1891.

Mr. DWORSHAK. When did Uncle Sam begin to instruct the natives how to handle a reindeer herd? What year was that?

Mr. COOLEY. From 1891 on some instructions were given to the native people in the development of the reindeer industry.

Mr. DWORSHAK. About 55 years, now?

Mr. COOLEY. That is correct.

Mr. DWORSHAK. And the natives have not yet learned how to commercialize the reindeer of Alaska?

Mr. COOLEY. If I may say, after reindeer were introduced the herds grew very rapidly and the white man became interested in them and did commercialize the industry which caused considerable trouble in handling the reindeer work with the native people.

## OWNERSHIP OF REINDEER

Mr. DWORSHAK. Uncle Sam purchased all of these reindeer, and they are owned by the whites in Alaska?

Mr. COOLEY. That is right.

Mr. DWORSHAK. He presented them gratuitously to the natives?

Mr. COOLEY. They were purchased for the native people.

Mr. DWORSHAK. So that they might be enabled to make a livelihood partially from the operations of the herd. What I want to know is this. Are you making any progress with this program?

Mr. COOLEY. We feel that we are making progress with the Government herds.

You asked the question if the Government gave these reindeer to the natives. The reindeer are still in the control of the Government; and, as I started to say, they are being loaned to the natives who are interested and who we feel will take care of them.

Mr. DWORSHAK. The ownership still rests in the Government?

Mr. COOLEY. Yes, sir.

Mr. DWORSHAK. How can you loan a reindeer to a native? What if he kills the reindeer?

Mr. COOLEY. We loan them on a repayment in kind basis, where over a period of years those receiving deer will pay back to the Government the number of reindeer they obtained.

Mr. DWORSHAK. You think at the present time it is working satisfactorily and that the natives are receiving worth-while benefits from it?

Mr. COOLEY. Yes; we do.

I should point out Mr. Dworshak, that the majority of these reindeer were owned by the natives; that the reindeer that the Government purchased were only those owned by the white owners.

Mr. DWORSHAK. That is why you need these herders to take care of the Government-owned reindeer?

Mr. COOLEY. That is correct.

Mr. DWORSHAK. Why do you not turn them over to the natives? Don't they know how to handle them?

Mr. COOLEY. No; they do not.

Mr. DWORSHAK. They have had them for 55 years and have not yet learned how to get along with them?

Mr. COOLEY. They have not made the progress in developing this industry that we feel they should have made.

Mr. DWORSHAK. How did they get along without Uncle Sam before we went into Alaska with reindeer?

## NATIVES' LIVELIHOOD BEFORE ADVENT OF REINDEER

Mr. COOLEY. Before the reindeer were introduced into Alaska they made a living by fishing and hunting, also there were large herds of caribou in Alaska from which they lived. The caribou were finally killed or drifted inland away from the coast where the natives are located, and the natives became destitute in many areas.

Mr. DWORSHAK. Have you any estimates on the results of this program to show that the economic condition of the natives has been improved by the program?

Mr. COOLEY. We have in some villages where the reindeer have been properly herded and protected. The reindeer are on the increase there.

Mr. DWORSHAK. How many more years will it take to complete this program so that the Government can withdraw from this operation?

Mr. COOLEY. I would say, Congressman, that they will always need some supervision and assistance, similar to that given the white farmers and stockmen in the States by the State college extension services. The natives will need this type of assistance indefinitely.

Mr. DWORSHAK. That is all.

FRIDAY, MARCH 16, 1945.

## GENERAL SUPPORT AND ADMINISTRATION OF INDIAN PROPERTY (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item is on page 156 of the bill. It is noted that you propose a consolidation of tribal fund items for administrative purposes. Please explain the purpose of that proposal.

Mr. FICKINGER. Mr. Chairman, again, following out the suggestion of this committee last year, we have attempted to make our budget presentation a little more simple, and we feel that this is an item that properly could be consolidated without sacrificing any control, and we therefore have thrown our tribal items into several consolidations.

Under this heading are the funds of the tribes that are used for general support purposes.

Mr. JOHNSON of Oklahoma. I trust that you are going to tell us that you will be able to effect considerable savings by this consolidation?

Mr. FICKINGER. Mr. Chairman, I do not know that we can effect any savings, but it certainly will eliminate a hodgepodge of many

individual items. We would expect to provide in our justification a proper schedule showing the composition of the consolidated items.

## PROPOSED CHANGES

Mr. JOHNSON of Oklahoma. Are there any changes? If so, please make an explanation of any proposed changes.

Mr. FICKINGER. There are some changes, Mr. Chairman.

Mr. JOHNSON of Oklahoma. It certainly proposes a rather radical change. Ordinarily the committee would be against consolidation, but if you can really show improved efficiency I am sure this committee would be sympathetic. So it is up to you to make your case.

## ITEMS OF DECREASE AND INCREASE

## CHEROKEE NATION, NORTH CAROLINA

Mr. FICKINGER. In the case of the Cherokee Nation of North Carolina, the appropriation last year was \$8,500. This year the estimate is \$3,250, or a decrease of \$5,250. This particular tribe has a total balance as of June 30, 1944, of \$262,485. The \$3,250 for the Cherokees is intended largely for irregular labor that the tribe wishes to use in connection with activities at the agency.

## COLORADO RIVER, ARIZ.

The Colorado River item reflects a decrease of \$290. They had to their credit \$57,756 on June 30, 1944. The \$1,680 requested is to provide for the services of a tribal secretary to the tribal council.

## COLVILLE INDIANS

In the case of the Colville Indians, there is an increase of \$2,700 over 1945. They had a balance in their fund of \$835,152. The proposed appropriation covers the salaries of a tribal clerk, two tribal policemen, one interpreter, and traveling expense for the tribal policemen, together with certain miscellaneous supplies and materials.

## THE SPOKANE GROUP

The Spokane group, under the Colville Agency, has requested a reduction of \$5,000 in their allowance. They have to their credit \$139,530. The estimate of \$3,000 for the fiscal year 1946 covers the funds that they wish for labor and supplies and materials in connection with the repair of the tribal fairground and their tribal fair buildings.

## CONSOLIDATED CHIPPEWA, MINNESOTA

The Consolidated Chippewa item is eliminated from the 1946 estimate, in view of the special legislative act of last year which gave them complete control of their funds. Their balance at June 30, 1944, was \$12,370.

## FLATHEAD GROUP

The Flathead group ask for a reduction of \$12,300, which makes their estimate for 1946, \$22,700. \$5,100 of this amount is intended for clerical assistance in connection with their interests there. The

remainder of the fund is to be used for supplies and materials, contract hospitalization and other miscellaneous expenses for the benefit of the tribe. The contract for hospitalization amounts to \$14,000 a year, and approximately \$3,000 is used for clinical services.

## FORT APACHE INDIANS

In the case of the Fort Apache Indians there is a reduction of \$4,470. The Fort Apache Indians have \$243,262 to their credit. Their estimate for 1946 is \$40,530. Of that sum \$26,430 is used for the salaries of regular employees and irregular labor, largely for their cattle program and also for the purchase of supplies and equipment, such as barbed wire for fence construction, forage for livestock, and similar items.

## MISSION, CALIF.

At Mission, in California, there is a proposed reduction of \$5,100. The Mission group have to their credit \$50,462. Their estimate for 1946 is \$20,900. Their annual income averages \$30,000.

Mr. JOHNSON of Oklahoma. With regard to these Mission Indians, what are you getting for the rent at the resort out there?

Mr. ZIMMERMAN. Are you talking about Paom Springs?

Mr. JOHNSON of Oklahoma. Yes.

Mr. ZIMMERMAN. That is a very complicated situation, Mr. Chairman. You ask, What are we getting? The United States gets no rent. Those lands belong to the tribe.

Mr. JOHNSON of Oklahoma. I meant the Indians. Can you give us some information about that?

Mr. ZIMMERMAN. That situation has been in litigation for many years. The Indians have occupied purported allotments, and the individual Indians have received income from those allotments. The Federal Government interfered several years ago and initiated litigation which has not yet been terminated. So there is actually a very small tribal income there. Most of the income has been going to individual Indians who have claims under an allotment schedule that had not been completed.

Mr. JOHNSON of Oklahoma. I heard that it was a very popular resort. Movie actors and actresses go out there and spend considerable time and cash. I have been told some of the visitors have more money than anything else.

Mr. ZIMMERMAN. Those people you have in mind do not stay in the Indian portion of Palm Springs. But the real-estate value of the Indian portion has been tremendously enhanced by reason of that resort development. It has been our view that the enhancement ought to go to the development of all of the group rather than to one or two of them who have favored locations.

Mr. JOHNSON of Oklahoma. That sounds reasonable, but why not the increases now?

Mr. FICKINGER. The first increase, other than that I have mentioned before, is for the Sac and Fox group in Iowa.

## SAC AND FOX GROUP

They have requested an increase of \$570, which makes their total Budget estimate \$1,200. This amount will be used to cover irregular



labor and miscellaneous supplies and materials for repair and maintenance of tribal property and for the payment of taxes on tribal land.

#### SAN CARLOS

The next increase is at San Carlos, amounting to \$540, bringing their estimated Budget to \$9,900. These funds are used to cover the salary of personnel employed in connection with the cattle industry.

#### WESTERN SHOSHONE

The next increase is Western Shoshone, where they have requested an additional \$2,000 for 1946 to bring their Budget estimate to \$3,500; \$2,580 of this total is used for the employment of a special officer and blacksmith for the tribe. The remainder is used for travel expense and miscellaneous supplies and materials necessary in connection with the administration of their tribal affairs.

#### MISCELLANEOUS TRIBES

The last item represents an increase of \$15,000 for miscellaneous tribes. The purpose of the miscellaneous tribes items is to enable us to meet the demands of various tribes who may at some time during the year present a need for the use of certain of their funds; and this would help to eliminate the necessity of having to come for deficiencies or supplementals from time to time. It is a small item. Frequently there are minor emergencies that arise in the affairs of the tribes that require small amounts of their funds. Another factor is to be considered in that the tribes have not yet learned to submit their requests for funds at the appropriate time for inclusion in our regular Budget estimates. I think the time will come when that will be pretty well taken care of. This still of course will not eliminate certain emergencies that will develop. That is the purpose of the \$15,000 miscellaneous item.

#### APPROVAL BY INDIANS OF APPROPRIATION REQUESTS

Mr. JOHNSON of Oklahoma. Have these Indians approved all these requests?

Mr. FICKINGER. The Indians have requested in each instance these items.

Mr. KIRWAN. If that is all that is requested for the miscellaneous tribes, they are not asking much. A couple of years ago there was \$10,000,000 in the Army engineers' budget and they refused to spend a dime of that on any new work. They were keeping it for emergencies, such as leaks in levees and dams. If all those tribes that you have read off are asking only for \$15,000 to cover them for a year, I think they are doing all right. They are not going to do much spending.

Mr. FICKINGER. The individual tribes we have listed have come in with their requests.

Mr. KIRWAN. I have still got that in mind.

Mr. DWORSHAK. This does not include any provisions for overtime; that would be included later?

Mr. FICKINGER. Yes. Of course, these are all funds that belong to the tribes themselves.

Mr. DWORSHAK. Under the supervision and jurisdiction of the Indian Bureau?

Mr. FICKINGER. Yes, sir. They are deposited in the Treasury of the United States and must be appropriated before they can be used.

#### BALANCE OF TRIBAL FUNDS

Mr. DWORSHAK. Do you know how much money remains to the credit of the tribes at the present time?

Mr. FICKINGER. On page 205 of our justifications I have listed the income to the tribes and the balance available June 30, 1944.

Mr. DWORSHAK. That is all.

#### ADMINISTRATION OF TRIBAL AFFAIRS OF SENECA NATION OF NEW YORK (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item is a new item on page 158 of the bill, administration of tribal affairs, Seneca Nation of New York. Have the Indians approved this request?

Mr. FICKINGER. Mr. Chairman, the Indians have requested at least a portion of this item, and we have not yet had approval for the expenditure of the remainder of the item.

Mr. JOHNSON of Oklahoma. What portion have they approved?

Mr. FICKINGER. They have approved the \$800 for tribal expense. That leaves \$2,000 as yet unapproved. This item represents an attempt to get the Indians of the Seneca Nation to stand the expense of administering the property leases in the town of Salamanca, N. Y., what we call the Salamanca leases. It is intended to provide the salary of a stenographer-clerk. There are approximately 3,500 leases of town properties there which must be handled and collections made. We feel that with the income to the tribe from those leases, they can and should stand the expense of administering and collecting on those leases.

Mr. JOHNSON of Oklahoma. How many members are there of the Seneca Nation?

Mr. ZIMMERMAN. About 6,000.

Mr. JOHNSON of Oklahoma. Do you know how much fund they have on hand?

Mr. ZIMMERMAN. It has been the practice of the Seneca Nation to distribute all of its income each year per capita. It was our view that in this situation, where the Federal Government had intervened, and through litigation, had enabled these Indians to negotiate new leases as a result of which they more than doubled their income, the tribe should carry the expense of handling those leases from this point forward.

Mr. JOHNSON of Oklahoma. I agree thoroughly.

Mr. ZIMMERMAN. During the past year it has been necessary for us on several occasions to send men from the Chicago office for periods of as long as 3 months to New York State to take care of this work.

That is a burden that does not belong on the Federal Government. The Indians have income which is derived from leases, and there is

every reason why a lease clerk should be employed there to render efficient service.

Mr. JOHNSON of Oklahoma. At the expense of the tribe?

Mr. ZIMMERMAN. At the expense of the tribe, yes, rather than to have the whole amount paid out each year. The item is a very small one, but I think it is an important one.

Mr. JOHNSON of Oklahoma. There is a principle involved there, and I agree with you.

Mr. ZIMMERMAN. Some of the Members of Congress from New York State are well informed of this situation. It has been in controversy for 10 years, and litigation has now terminated and new leases have been negotiated.

Mr. JOHNSON of Oklahoma. You think there will be no serious objection on the part of the Members of Congress from New York State?

Mr. ZIMMERMAN. That is correct.

Mr. JOHNSON of Oklahoma. The representative on this committee from New York State is not present.

Mr. ZIMMERMAN. I do not see why there should be any objection.

#### SUPPORT OF KLAMATH AGENCY, OREGON (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item is on page 159 of the bill. There you have some new language, and the proposed increase is \$75,940. Is that for new activities of some kind?

Mr. FICKINGER. In the tribal section of our budget there are four or five of these larger tribal expenditures that we have continued to keep as separate items. We did not include them under the consolidation. In other words, where the expense would be \$50,000 or more, we continued to maintain separate items. In this particular instance the change in language that is proposed is an attempt to simplify the language in line with the general proposal as set out in the consolidation.

#### PROPOSED INCREASES

Mr. JOHNSON of Oklahoma. What is the purpose of this proposed \$75,000 item?

Mr. FICKINGER. The \$75,940 increase proposed covers the following:

Within-grade promotions, \$370; reallocation of positions, \$480; general relief, \$18,500; fire protection, \$4,000; irregular labor, \$9,950; equipment for land subjugation, \$10,000; repairs and improvements, \$5,100; purchase of cattle, \$23,590, and extension activities, \$3,950.

Mr. JOHNSON of Oklahoma. Have the Indians approved this suggestion?

Mr. FICKINGER. This is their request; yes, sir. There was eliminated, of course, from this budget \$83,330 that was in the budget last year.

Mr. JOHNSON of Oklahoma. For what?

Mr. FICKINGER. For the purchase of cattle, largely. We have attempted to set the language out so that you have the whole picture here. Incidentally, I might add that the equipment item of \$10,000 is proposed to cover a caterpillar tractor, a grader, a brush-breaker, and a land-leveler. They have been wanting to do some further work on their lands that are susceptible of irrigation.

Mr. JOHNSON of Oklahoma. Can they secure this equipment?

Mr. FICKINGER. Mr. Chairman, we do not know. It is possible that they can secure it at a less cost than this. It is possible that by that time the Army may have some surplus equipment available.

#### AMOUNT OF FUND TO CREDIT OF TRIBE

Mr. JOHNSON of Oklahoma. How much of a fund does this particular tribe of Indians have?

Mr. FICKINGER. The present balance is approximately \$2,788,618, which includes \$2,176,322 of their capital reserve fund. Receipts last year amounted to \$932,257.

Mr. JOHNSON of Oklahoma. They seem to have the money. If they want to spend their own money that way, if it is for their benefit, I do not know why they should not do so.

Mr. FICKINGER. It is entirely for their own benefit.

Mr. ZIMMERMAN. I would like to add, Mr. Chairman, directly for Mr. Dworshak's benefit, that this is one of the few tribes that has adequate economic resources.

Mr. DWORSHAK. What do they consist of?

Mr. ZIMMERMAN. Largely timber.

Mr. JOHNSON of Oklahoma. I am just wondering whether a tribe like this, which has pretty good business management, needs close supervision on the part of the Indian Service, and whether part of it could not be eliminated entirely.

Mr. ZIMMERMAN. I think this is one situation where that might be the next step. But the business management at present is supplied by the Federal Government. It is true that every cent of it is paid for out of tribal funds.

Mr. JOHNSON of Oklahoma. They are remarkable people, are they not?

Mr. ZIMMERMAN. I think many of them are.

#### CUTTING OF TIMBER

Mr. DWORSHAK. Are their timber resources almost unlimited, or will they be dissipated at some early date?

Mr. ZIMMERMAN. Under the statute the cutting is done on a sustained-yield basis. The first cycle of cutting will come to an end about 1960. After the virgin-pine cutting is completed there will be a decrease in the revenue, but there should be a continuing yield. The income from timber varies, naturally, but it has been running between \$700,000 and \$900,000 a year. Out of that income is paid the costs of administering the agency.

Mr. DWORSHAK. They take care of their relief program?

Mr. ZIMMERMAN. Yes, sir. They take care of their own destitute and any other local needs.

#### REASON FOR NEW LANGUAGE—RELIEF OF AGED AND CRIPPLED

Mr. DWORSHAK. You are proposing new language to provide for relief, including cash grants. That program has not been in effect heretofore, has it?

Mr. ZIMMERMAN. Yes. They have made some expenditures for relief, and they have loaned out of their own funds.

Mr. DWORSHAK. Then why the new language?

Mr. ZIMMERMAN. They have also made some per capita payments each year out of the timber income.

Mr. FICKINGER. The reason for the new language is simply that they want this year to support what they call a relief program of aid to their people, and they felt that it was necessary to have an item in here to cover that. They did give some relief last year, but not to the extent that they have asked for here.

Mr. JOHNSON of Oklahoma. Is it your opinion that any relief, or any appreciable amount of it, at least, is needed at this time for this particular tribe?

Mr. ZIMMERMAN. I think so, Mr. Chairman. I do not know whether the delegate from Klamath has asked to be heard, but I know what their views are. The per capita distribution through members of the Klamath tribe last year was \$400. The Klamath Indians themselves say that there are families on the reservation who could not get by on that basis.

Mr. DWORSHAK. According to the budget of 1945 there was no provision made for this particular activity. For 1946 you ask for \$18,500.

Mr. ZIMMERMAN. They have large funds locally which they have loaned primarily for relief purposes, and then they reimburse the tribal fund from these per capita payments. The relief need there is obviously not as acute as at other places, but it is an effort on the part of the council to provide more than a minimum subsistence level. They want to supplement the income that the individuals have.

Mr. JOHNSON of Oklahoma. If this tribe should run out of funds while I am serving in Congress and on this committee, I do not want them to point to me and say that I was partly responsible for having permitted them to slush off their funds.

Mr. ZIMMERMAN. They are not paying out more than their income.

Mr. JOHNSON of Oklahoma. Does this particular tribe receive any funds from the relief and rehabilitation item?

Mr. ZIMMERMAN. No, sir.

#### SUPPORT OF MAKAH INDIANS, WASHINGTON (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. Turn to the next item, which is more new language, page 161, support of Makah Indians, Taholah Agency, Washington. This is another tribal fund item. Why the new language?

Mr. FICKINGER. The new language, again, is bringing them under a general support authorization. There is also some special language proposed that would permit the tribe to make reimbursement of expenditures that were made in the purchase of buildings and improvements that were secured from the Army when the Army established some bases up there. The tribe did purchase some of these items from funds that they had under their own control. That has nearly depleted the funds that they have under their own control and they have asked now that some of the funds in the Treasury belonging to them be appropriated in order to reimburse the fund under their own local control, so that they will have money with which to continue in their normal tribal operations at the agency.

Mr. JOHNSON of Oklahoma. Can you advise the committee what the balance is in the Treasury?

Mr. FICKINGER. The balance to the credit of the tribe is \$304,861, in the Treasury.

Mr. JOHNSON of Oklahoma. Of course I do not know how much they propose to spend for the buildings there. Is there any estimate of what they want to spend?

Mr. FICKINGER. Yes, sir. I will give you a break-down. The item of \$83,600 covers the following:

Repayment of loans, \$40,000; reimbursement of tribal expenses, \$15,000; purchase of land, \$20,000; general relief, \$4,400; village improvements, \$3,600; cemetery maintenance, \$600.

The tribe also borrowed money in order to help to pay the purchase price of this equipment and the buildings and structures of various kinds that the Army sold to them, and they now want to pay that back to the Government from their own funds.

Mr. JOHNSON of Oklahoma. The total is \$83,000, approximately, which is nearly one-third of what they have to their credit.

Mr. FICKINGER. A good portion of that, however, represents capital investment.

Mr. JOHNSON of Oklahoma. What annual income does this tribe have?

Mr. FICKINGER. Last year their income was \$5,512.

Mr. JOHNSON of Oklahoma. That is not much income to be proposing an outgo of \$83,000.

Mr. FICKINGER. Of course most of this request is of a nonrecurring nature. Their appropriation last year was only \$6,600.

Mr. JOHNSON of Oklahoma. Is it necessary for them to spend \$20,000 for land? Do they need it? Is it pasture land or irrigable land, or what is it? Do they really need it to round out any acreage they have or aid those who have no land?

Mr. CRITCHFIELD. They are buying up tracts so as to have those lands available for assignment to members of the tribe who have no land.

Mr. FICKINGER. I might add one thing further, and that is that additional timber cutting is contemplated on the reservation, which will also increase their income.

Mr. JOHNSON of Oklahoma. Do they have an appreciable amount of timber that is good?

Mr. ZIMMERMAN. They have a very large stand of timber, and this timber, like that at Klamath, is operated under contracts which provide for sustained yield operation, and a new contract is in contemplation.

Mr. JOHNSON of Oklahoma. I see in your justifications that at a special meeting in August 1944, the tribal council adopted a resolution requesting the appropriation as set forth here.

Mr. FICKINGER. That is correct. In every instance that holds true except those I have indicated or will indicate to the contrary.

Mr. ZIMMERMAN. I would like the record to show that this whole proposal of rehousing in connection with this particular tribe was on the initiative of that tribe itself, not on our initiative.

SUPPORT OF MENOMINEE INDIANS AND PAY OF TRIBAL OFFICERS,  
WISCONSIN (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item is for support of the Menominee Agency in Wisconsin. I see some more new language here. What is the purpose of that?

Mr. FICKINGER. Again, it is an attempt to simplify the language to conform to general support purposes. The appropriation last year, exclusive of overtime, was \$112,985, and there is a decrease from that of \$10,000 which covers the contract for the employment of outside auditors to audit the accounts of the mill. The net change in this item is \$15,415. When you consider the overtime the total estimate itself is \$102,985, and it represents \$35,000 for care of indigent Indians, \$1,500 for snow removal, \$22,000 for hospitalization contract that they have with the Catholic Sisters, \$33,285 for agency administration; \$6,000 for salaries and expenses of the tribal council. The latter is required to pay the salary of the tribal chairman and other expenses of the council. \$5,200 for attorneys' fees and expenses. These are just normal items.

Mr. JOHNSON of Oklahoma. The total amount requested is \$102,985; is that correct?

Mr. FICKINGER. That is correct.

Mr. JOHNSON of Oklahoma. Against \$118,400 last year?

Mr. FICKINGER. Yes, sir.

Mr. JOHNSON of Oklahoma. I call attention to the fact that there is one item where they are requesting less than they had last year. Have these items all been requested by the tribe?

Mr. FICKINGER. Yes, sir.

Mr. JOHNSON of Oklahoma. How much money do they have on hand?

Mr. FICKINGER. The unliquidated balance to the credit of the Menominee Tribe is \$2,170,614, which includes \$56,326 not available for use in accordance with special acts of Congress. Receipts during the fiscal year 1944 were \$1,167,040.

Mr. JOHNSON of Oklahoma. Receipts for 1 year?

Mr. FICKINGER. Yes. They operate their tribal sawmill out of that.

Mr. JOHNSON of Oklahoma. That is not net receipts, then?

Mr. FICKINGER. No, sir. These are total receipts.

Mr. JOHNSON of Oklahoma. They are not getting along badly, then.

Mr. DWORSHAK. Of what do their resources consist?

Mr. FICKINGER. Timber.

SUPPORT OF OSAGE AGENCY AND PAY OF TRIBAL OFFICERS, OKLAHOMA  
(TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item, on page 170 of the committee print, is for the support of the Osage Agency and pay of travel officers, Oklahoma (tribal funds). There seems to be no change in the overtime pay deducted; is that right?

Mr. FICKINGER. Overtime pay has been deducted; that is the only deduction. There is no increase requested.

Mr. JOHNSON of Oklahoma. Have you settled your differences with the tribal council?

I have here [indicating] that Frank Quinton, an Indian from that agency, may soon come to Washington. That would indicate to me that everything has not been settled amicably.

Mr. ZIMMERMAN. You are obviously familiar with some of the background of this matter. For several years there has been a disagreement between the Indian Office and the tribal council as to the number of personnel and the amount of money paid to operate the agency.

Last year a delegate appeared before the Senate Committee on Appropriations. I have no objection to the appearance of one delegate, if the committee wishes to hear him.

Mr. JOHNSON of Oklahoma. In all sincerity, it seems there is something seriously wrong with your public relations in the Indian Service when you cannot get along with any tribe of Indians.

I have lived among Indians all my life. I have 8 or 10 tribes of Indians in the district I represent in Congress. I have no trouble or misunderstanding with any tribe. In fact, there are no easier people in the world to get along with if they feel you are giving them fair consideration and not trying to put something over on them. Let me add here for the record that while many politicians spend gobs of money trying to get the Indian vote, that I never spent a dollar in my life in a campaign with the Indian to get his vote. Yet the record discloses that they vote for me almost unanimously.

When I first came to Congress, I received very few votes of the Indians. They did not know me. They were a little suspicious of me and perhaps I was of them but they soon found that I was and am their friend. I have not always acceded to their wishes, but I have been frank, open and above-board with all Indians of all tribes. I say that now, since this will probably be the last Interior bill that I shall handle. I am not so familiar with the Osage Indians, but I am convinced there has been and still is entirely too much static at the Osage Agency. This is only one of the several matters that should be brought to Mr. Brophy's attention.

Permit me to further suggest that when the new Commissioner and Mr. Zimmerman and other officials of the Indian Service visit Oklahoma, that you should by all means visit the Osage, along with the other agencies in Oklahoma and find out what it's all about. Not rush out in a hurry and spend an hour or less at the agency on the Osage Indian Reservation, as was the case not so long ago with your "late" predecessor. If you officials would go to the Osage and other Indian agencies, take them into your confidence, tell them to let their hair down and say what they have to say to you, and let them know you are trying to give them service rather than trying to force them to serve you, then I am confident that you will get along all right with the Indians.

Mr. ZIMMERMAN. I would like to say, Mr. Chairman, that—

Mr. JOHNSON of Oklahoma. In defense of the "foreign policy" of the Indian Service, I suppose?

Mr. ZIMMERMAN. No; I would like to say a few words about the Osages. As a matter of personal privilege I would like to say this, that I personally have given more time to the Osage Tribe than to any other tribe in the United States, and I have spent more time on the ground.

The principal difficulty we have is not with the Osage Tribe, but it is with the small group of mixed Indians who are not in sympathy with us.

It is true that they get no benefit from the expenditure of these funds in the item before you, except the per capita payments made to them each year.

Frankly, if you did not have to use any sympathy with them but dealt with them as much as possible without any regard to the benefits received by the restricted full-blood Indians, you would be better off.

That is a frank statement, and I recognize it is subject to contradiction. That is our present difficulty with the council. We have no difficulty with the Osage Tribe, and less with individuals.

The operations of Osage affairs have been carried on for 40 years under a statute which Congress has enacted, and as I have said repeatedly, I think that is a disgrace. We are under compulsion to take charge of the Osage income to which the Osages have added since 1906, in excess of \$20,000,000, which we are required to pay out as it comes in.

Until recently we were required to pay it all out. In 1939 Congress enacted a law which said that we did not have to pay it out if the Indian's balance was reduced to \$10,000, and then we could begin to restrict his expenditures and are required by statute to pay \$4,000 out of this fund.

Mr. JOHNSON of Oklahoma. I was under the impression that they had spent a large portion of their money.

Mr. ZIMMERMAN. Most of the Indians now only have moderate funds. My guess is that these Osages have a total balance in the neighborhood of \$20,000,000, and that is the total of the balance in the accounts.

Mr. JOHNSON of Oklahoma. I agree that the Osages have got entirely too much money. I think that money has been a distinct hurt to the Indians. I think that it has caused immorality and drunkenness to occur, no more, perhaps, than would have been the case with that many whites who would have had that much money dumped into their laps at one time. But that is water over the hill. Congress did make a mistake.

Mr. ZIMMERMAN. We still think that you may make some correction.

Mr. JOHNSON of Oklahoma. That is exactly what we want to do. I have no friends to punish over there, and no one to cater to. I hope that political activities will be kept entirely out of any matters pertaining to the Osage Indians. They should be treated just on a fair, sane basis, and you as well as they should try to correct, as far as possible, mistakes that have been made.

Mr. ZIMMERMAN. Even today, Mr. Chairman, the tribe has a current income of about \$2,000,000 a year. That is all money from oil, which, in my opinion represents—

Mr. JOHNSON of Oklahoma. I understand that all the Indians have a part in that. They threw all their mineral resources together, and if an Indian is an Osage that means he or she has a per capita interest.

Mr. ZIMMERMAN. It is not as simple as that. When the Osage rolls were closed there were 2,229 Indians on the rolls. There are

2,229 shares in the Osage corporation. Those shares for tribal distribution have been allocated, and some of the Osages have fractions and others have multiple amounts.

Mr. FICKINGER. In order that the record may be complete, Mr. Chairman, I want to point out that this budget has not been approved by the tribal council.

Mr. JOHNSON of Oklahoma. I assumed that to be the case. This committee will do what it thinks is the fair thing and the right thing by those Indians, regardless of whether they have money or not. We have no ax to grind, except to help the Indians and see that they get what belongs to them. I am not saying that the Indian Service is altogether to blame for that situation. Congress is greatly to blame, and I will take my share of the blame.

Mr. ZIMMERMAN. I would not want it to appear that anybody in the Indian Service has a grudge against the present council. I think the council is mistaken.

Mr. JOHNSON of Oklahoma. We understand that.

Mr. JENSEN. Do the Osages employ their own attorney?

Mr. ZIMMERMAN. This item includes an amount for the payment of an attorney, who is a regular departmental employee.

Mr. JENSEN. He is employed by the Department of the Interior?

Mr. ZIMMERMAN. Yes.

Mr. JENSEN. They have no attorney completely under their own jurisdiction?

Mr. ZIMMERMAN. No; there is none at the moment.

Mr. JOHNSON of Oklahoma. That is one thing they complained of. They say if they are spending their own money they should be permitted to spend it and not have somebody sent down there from Washington.

Mr. FICKINGER. There is money in the tribal budget for the salary and the expenses of an attorney, who is to be appointed with the approval of the Osage Tribal Council.

Mr. JOHNSON of Oklahoma. He has not been appointed?

Mr. ZIMMERMAN. No, sir.

Mr. JOHNSON of Oklahoma. Do you propose to appoint him? The committee would like to know that.

Mr. ZIMMERMAN. They have not selected one recently.

Mr. JOHNSON of Oklahoma. Suppose they selected somebody you did not want?

Mr. ZIMMERMAN. Under the statute the Secretary has to approve the selection. That is statutory.

Mr. JOHNSON of Oklahoma. Is this something new?

Mr. ZIMMERMAN. There was similar language last year when they introduced this bill, but the attorney who had been selected by the tribe had accepted another position.

Mr. JOHNSON of Oklahoma. You mean to say that you could not find another attorney who would take that \$4,500 job?

Mr. ZIMMERMAN. It was not our job to find an attorney. That was part of the argument, that the tribe wanted to make its own selection.

Mr. JOHNSON of Oklahoma. Did they recommend someone?

Mr. ZIMMERMAN. No; there has been no other recommendation.

Mr. JENSEN. Is the individual Osage Indian entitled to employ his own attorney?

Mr. ZIMMERMAN. Certainly.

Mr. JENSEN. Do they participate in doing that?

Mr. ZIMMERMAN. Many of them do.

Mr. NORRELL. You say many of them do?

Mr. ZIMMERMAN. I think so, when they are in litigation.

Mr. NORRELL. I mean in litigation with the Department.

Mr. ZIMMERMAN. With each other or with white people?

Mr. NORRELL. No. In the event that they think they have more money coming from this tribal fund, or from the Department of the Interior, than is being paid to them, do they have any authority to appoint an attorney to challenge the Department of the Interior?

Mr. ZIMMERMAN. Do you mean as individuals?

Mr. NORRELL. Yes.

Mr. ZIMMERMAN. Certainly. Any Osage has a right to employ an attorney. May I say, as to the functions of the present attorney, he is a departmental employee, although he was originally appointed as a tribal attorney, his job is not to represent the tribe. His job is very largely administrative. The major portion of his time is in the handling of estates, preparing papers in connection with the handling of estates, and he serves primarily the individuals rather than the tribe.

Mr. NORRELL. Do you find that these attorneys, employed by private Osage Indians, create considerable confusion and get the Indians wrought up and constantly keep them wrought up? We have bad attorneys like we have bad people in other walks of life that are constantly living off any controversy that they can bring about.

I am wondering if all these attorneys that these private Indians employ keep them stirred up all the time. Is that part of the reason why you have trouble with the Osage Indians?

Mr. ZIMMERMAN. I should say not, as a whole. I think the men in Osage County are an honorable group of men. I do not think they stir up unnecessary litigation, as a rule.

I think there was a time when there was a lot of litigation instituted, sometimes by lawyers and sometimes by white claimants, at the time when the Osage country was different than it is now. But I think that period has passed.

Mr. NORRELL. I think when the court lays down the law and explains to the Indians that here is the law of the land, and it is right there in black and white, there should not be much litigation between Indian and Indian.

Mr. ZIMMERMAN. There is not. There is no trouble between us and the Indians.

Mr. JOHNSON of Oklahoma. What is the trouble? What is the confusion? Is it natural confusion that we could expect in any business? Is there more than there is in any other business, whether it is with the whites, or what not?

Mr. ZIMMERMAN. I do not think there is much confusion there.

There are two points in issue between us and the Indians. One is as to the amount of money needed to operate that agency efficiently. That, it seems to me, is a management problem. We contend that it takes so many people to do that work. The General Accounting Office has also made a survey. The Indians think they have a surplus, and they have got to the point where they think more people are employed

to operate the agency than these members of the tribe ought to pay for. That is one issue.

The other issue is that there has been employed for a period of 6 or 7 years an attorney who is a regular departmental employee. As the attorney dealing with the individual Indians and with their problems and troubles, he necessarily antagonizes some of them. I say it is impossible to do that work for a period of years without hurting somebody's feelings.

The council asked that he be removed, but in the judgment of the Department the complaints were not justified, and the Department concluded that there was no ground for dismissing him. So the council asked that the job be given to somebody else who would not be responsible to the Department.

We have no objection to that employment.

Mr. JENSEN. I think that if there is any friction between the counsel and the Indians it is bound to grow up, no matter who is Commissioner of Indian Affairs. They have a similar situation in the Diplomatic Corps. There are complaints against some diplomats because they antagonize a great many people with whom they come in contact. So in the handling of the council they build up a good deal of ill feeling as time goes on.

It appeals to me that if I were the Commissioner of Indian Affairs and a condition like that existed, I would put in another man down there and let him start in fresh, like Mr. Brophy. There is no member of the committee who has any animosity against Mr. Brophy, and I hope we never will have. He comes to the organization with clean hands.

It seems to me that is a situation just like the two-party system of ours. When one party stays in power too long they get cocky, and they have to change them, and we have changed them in order to please the American people.

I am talking seriously. When the Republicans stay in too long they get kicked out, but the American people are still running the Government, and they are wise, and we will get a new broom and start with a clean slate.

I believe if I was director of Indian Affairs I would not worry about it for a minute.

Mr. JOHNSON of Oklahoma. Well, I might say facetious that I agree with my good friend from Iowa that his party remained in power entirely too long. Anyway, the people discarded the old broom and put in a new one and started afresh.

Now, seriously, Mr. Zimmerman, I am wondering if you are not in need of a new broom at the Osage Agency?

Mr. ZIMMERMAN. That may be desirable.

Mr. JOHNSON of Oklahoma. How long has this man been at the Osage Agency?

Mr. ZIMMERMAN. For 7 years. He is an Oklahoma man.

Mr. JOHNSON of Oklahoma. Regardless of where he is from, I have a number of letters saying that he does not show any particular courtesy to Indians that walk into his office.

Mr. ZIMMERMAN. That matter has been involved.

Mr. JOHNSON of Oklahoma. That man would not starve and no doubt he would find work some place else.



Mr. ZIMMERMAN. He has special knowledge of the Osage law and the application of it.

Mr. JENSEN. Maybe he knows too much. I feel that there is a definite feeling out there that the Indian Service are always right and that their representatives are always right. Judging from some of the letters I have received, those people are graciously treated and receive adequate service from the chief special attorney.

Mr. ZIMMERMAN. I do not want any implication to remain in the record that the Indian Service thinks it is always right. If we are wrong I would be the first one to admit it. But when the man in the field is right I think he is entitled to our support.

#### EXPENSES OF TRIBAL COUNCILS OR COMMITTEES THEREOF (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. On page 174 of the committee print there is another tribal fund item, which shows a proposed increase of \$10,000. What is that for?

Mr. FICKINGER. That is an item that has been in the appropriation bill in varying amounts since 1935, and it represents an authorization to use the funds of various tribes for the payment of tribal and other expenses of the members of tribal councils. The increase of \$10,000 is considered a desirable increase in order to be able to take care of the expenses of tribal councils.

Mr. JOHNSON of Oklahoma. So this proposal represents your deliberate judgment on appeals from various tribes?

Mr. FICKINGER. It represents our judgment in the matter. It is true that in 1944 we spent only \$15,444 for this purpose, but we now have a new Commissioner and I am sure that some of the tribal groups will want to come in and discuss some of their problems with him. Then too, there is a gradually increasing activity by the councils in their own tribal affairs that calls for additional expense for council meetings.

Mr. JOHNSON of Oklahoma. How much did you spend of the \$25,000?

Mr. FICKINGER. We spent \$15,444 in 1944.

Mr. JOHNSON of Oklahoma. Yet this is an invitation to these Indians to come to Washington and spend more than twice as much money as last year with the war still going on?

#### COMPENSATION OF ATTORNEYS FOR UTE TRIBE, UTAH (TRIBAL FUNDS)

The next item, on page 181 of the committee print, is for the compensation and expenses of an attorney for the Ute Tribe, Utah. This is new language providing for the compensation and expenses of an attorney for the Ute Tribe. Is that because the Indian Service itself does not have any qualified attorneys but has to request the Interior Department Subcommittee on Appropriations to permit the Indians to pay for their own attorney from tribal funds to give them advice, and that they cannot get a competent attorney from the Department of the Interior? Is that what you are trying to say?

Mr. ZIMMERMAN. Mr. Johnson, I would like to call attention to the record made last year. Your committee, as I recall, asked us

some questions about the employment of attorneys, and said in substance that if we needed additional attorneys in that office we should ask for them.

Mr. JOHNSON of Oklahoma. That is right.

Mr. ZIMMERMAN. We did make the request this year, and asked the Budget Bureau for additional attorneys.

Mr. JOHNSON of Oklahoma. How many attorneys do you have now, in the Indian Service alone?

Mr. ZIMMERMAN. We have three attorneys in the Chicago office.

Mr. JOHNSON of Oklahoma. How many here?

Mr. ZIMMERMAN. We have no attorneys here.

Mr. JOHNSON of Oklahoma. But you don't mean to say that only you have three attorneys in the Indian Service?

Mr. ZIMMERMAN. We have two in the field functioning as attorneys.

Mr. JOHNSON of Oklahoma. How many attorneys are there in the Interior Department?

Mr. ZIMMERMAN. I could not answer that.

Mr. JOHNSON of Oklahoma. Will you put that in the record?

Mr. ZIMMERMAN. Yes.

(See under "Office of Solicitor", p. —.)

Mr. JOHNSON of Oklahoma. Is this man already employed?

Mr. FICKINGER. Yes, sir.

Mr. JOHNSON of Oklahoma. So you're still employing people and then come here and ask for the money to pay their salaries?

Mr. FICKINGER. No, sir. Funds were provided in the Appropriation Act for 1945 to cover the expense during this year. I have three additional attorney items that I would like to present at this time.

Mr. JOHNSON of Oklahoma. Where are they?

Mr. FICKINGER. One represents compensation and expenses of an attorney for the Shoshone Tribe of Indians in Wyoming. Again, this represents the renewal of a contract that has been in effect for a number of years. It was not possible for us to include it in the initial presentation because the renewed contract had not yet been signed.

The second represents a request by the Quinalet Tribe to meet the expense of a contract for expenses incurred by the attorney of record incident to the prosecution of a suit by the tribe against the United States as authorized by the act of February 12, 1925 (43 Stat. 886); and the contract further provides that any payments thus made shall be deducted from any amount decreed by the Court of Claims to the attorney.

Mr. JOHNSON of Oklahoma. How much money does this particular tribe of Indians still have? Can they afford this?

Mr. FICKINGER. The tribe requested an authorization of \$10,000 for these expenses, but they did not have that much money. It was necessary for us to reduce the estimate to \$8,000 because that is all they had available.

Mr. JOHNSON of Oklahoma. You want to give them the widow's mite. Is this a real claim?

Mr. ZIMMERMAN. This is a suit that involves boundaries. The Court of Claims has already held that the boundary fixed on the maps was erroneous. We are not in a position to say what the value of the land is.

Mr. JOHNSON of Oklahoma. It seems to me that if the Court of Claims has made such a holding as that, then the Government of the United States owes it to those Indians to represent them rather than to have them hire attorneys.

Mr. ZIMMERMAN. The procedure is that the Department of Justice represents the United States, and the United States attorney is employed by the United States to defend the United States.

Mr. JOHNSON of Oklahoma. Then counsel are in the position of being in the Indian Service and opposing the United States.

Mr. FICKINGER. The third item, Mr. Chairman, is compensation and expenses of an attorney for the Colorado River tribe in the amount of \$1,500. The tribe insists on the employment of an attorney to look after various matters of interest to the tribe.

#### EXPENSES OF ATTORNEYS, COLVILLE TRIBE, WASHINGTON (TRIBAL FUNDS)

Mr. JOHNSON of Oklahoma. The next item, on page 182 of the committee print is for expenses of attorneys for the Colville Tribe, Washington, under a contract approved by the Secretary on October 10, 1944, for \$2,000, payable from funds on deposit in the Treasury to the credit of the tribe.

What is the necessity for an outside attorney for that tribe?

Mr. FICKINGER. The Colville Tribe has asked again that they be permitted to use \$2,000 of their money for the employment of an attorney to represent their interests in connection with hunting, fishing, land problems, and Indian rights, in connection with the Grand Coulee Dam.

Mr. JOHNSON of Oklahoma. Do they have any money to pay him?

Mr. FICKINGER. Yes, they do.

Mr. JOHNSON of Oklahoma. How much money do they have?

Mr. FICKINGER. The Colville Tribe has \$835,000 to its credit.

Mr. JOHNSON of Oklahoma. They just want to slough off \$2,000?

Mr. FICKINGER. They feel that they want someone to look after their interests in connection with matters of concern to them.

### ROADS AND BRIDGES

#### HIGHWAY, GALLUP-SHIPROCK RESERVATION, N. MEX.

Mr. JOHNSON of Oklahoma. On page 183 of the committee print there is an item for roads and bridges, for which an increase of \$2,850 is requested. This item is "For maintenance and repair of that portion of the Gallup-Shiprock Highway within the Navajo Reservation, N. Mex., and that portion of the State highway in New Mexico between Gallup, N. Mex., and Window Rock, Ariz., serving the Navajo Reservation."

Can you tell us in a word about this particular item?

Mr. FICKINGER. This is an annual recurring item and it provides for maintenance of the highway from Gallup to Shiprock, about 87 miles. The road must be maintained by the Indian Service. There is also a short stretch of about 14 miles from Gallup to Window Rock, the headquarters of the Navajo Agency.

These roads are getting in bad shape because of the heavy travel due to the hauling of big loads of strategic materials from near Shiprock which is being used in war plants.

Mr. JOHNSON of Oklahoma. How long is that road?

Mr. FICKINGER. About 87 miles.

Mr. JOHNSON of Oklahoma. Will it be a macadam road?

Mr. FICKINGER. It is an oil-surface road, and is designated as a Federal-aid road, but the State has never accepted the aid.

#### CONSTRUCTION AND MAINTENANCE OF INDIAN RESERVATION ROADS

Mr. JOHNSON of Oklahoma. On page 184 of the committee print there is this item: "Construction, improvement, repair, and maintenance of Indian reservation roads under the provision of the act of May 26, 1928, as supplemented and amended." For this item there is a proposed increase of \$95,810.

How much did you spend last year under this item?

Mr. FICKINGER. We spent last year \$1,696,660, less \$262,000, or a net of about \$1,400,000. This item remains available until expended.

Mr. JOHNSON of Oklahoma. How much of a carry-over do you have now?

Mr. FICKINGER. For 1945 we have a carry-over of \$262,485, which, added to the appropriation for 1945, would make available approximately \$1,150,000 for expenditure during the fiscal year 1945.

Mr. JOHNSON of Oklahoma. What about 1946?

Mr. FICKINGER. In 1946 we are requesting an appropriation of \$1,740,000 for road maintenance and repair.

Mr. JOHNSON of Oklahoma. You do not show here any carry-over.

Mr. FICKINGER. For 1946?

Mr. JOHNSON of Oklahoma. Yes.

Mr. FICKINGER. We will not have any carry-over in 1946. The carry-over will all be used this year.

#### SURVEYS AND PLANS FOR DEFERRED PROJECTS

Mr. JOHNSON of Oklahoma. Of this enormous increase that you propose, it seems from your justifications, that you want to spend \$140,000 for surveys, is that right?

Mr. FICKINGER. This again, Mr. Chairman, includes a part of that survey item which has been discussed in a number of our various appropriation items.

The total amount requested for surveys and plans for roads is \$140,000.

Mr. DWORSHAK. Is this a wartime budget?

Mr. FICKINGER. Gentlemen, we are attempting to bring to your attention the condition of our roads. It seems to me it is a case of spending a minimum amount now to maintain our roads, or of having to spend many, many times that amount after the war to recondition, and in many instances completely remake the roads.

#### AVAILABILITY OF MANPOWER

Mr. DWORSHAK. You have the manpower available for such projects?

Mr. FICKINGER. We have our professional staff, that is, the technical staff, road engineers, and personnel of that type, and most of the other personnel that would be required is recruited right on the Indian reservation.